

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY PROGRAMS

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SUBJECT: Guidance Memo No. 06-2007
Definition of Aboveground Storage Tanks for the Purpose of Eligibility
For Virginia Petroleum Storage Tank Reimbursement

TO: Regional Directors

FROM: Ellen Gilinsky, Ph.D., Director 

DATE: June 13, 2006

COPIES: Regional Ground Water Managers, Fred Cunningham, Renee Hooper, John Giese,
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Summary:

This memorandum addresses the issue of what constitutes an aboveground storage tank for purposes of the Petroleum Storage Tank Reimbursement Program.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at: <http://www.deq.virginia.gov>.

Contact information:

Please contact Fred Cunningham at (804) 698-4285/ fkunningham@deq.virginia.gov or Renee Hooper at (804) 698-4018/ rthooper@deq.virginia.gov with any questions concerning the application of this guidance.

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Recently, DEQ has received questions concerning what qualifies as a tank in the definition of aboveground storage tank for purposes of the Petroleum Storage Tank Reimbursement Program. This memo clarifies the definition of an aboveground storage tank as it applies in the Reimbursement Program.

Authority

Article 10 of State Water Control Law authorizes disbursements from the Virginia Petroleum Storage Tank Fund (the Fund) to operators of facilities from which a release or discharge has occurred. A “facility” is any development or installation that deals in, stores or handles oil, and includes aboveground storage tanks. An “aboveground storage tank” is defined as any one or combination of tanks, including pipes used to contain an accumulation of oil at atmospheric pressure, and the volume of which, including the volume of the pipes, is more than ninety percent above the surface of the ground.

State Water Control Law does not define the term “tank”. The AST Regulation defines a tank as a device designed to contain an accumulation of oil and constructed of nonearthen materials, such as concrete, steel, or plastic, that provides structural support. This definition raises questions concerning whether some types of storage vessels, such as drums or cans, would qualify as tanks to receive reimbursement for costs associated with a release from an aboveground storage tank.

Discussion

In the past we have taken into consideration sources outside of State Water Control Law and regulations to bring clarity to certain terminology. Two such sources are the National Fire Prevention Association’s Flammable and Combustible Liquids Code (NFPA 30) and the International Fire Code (IFC). Both establish model code requirements for handling hazardous and explosive liquids. These code requirements are adopted and incorporated by local governments to prescribe safe procedures for dealing with hazardous materials, such as petroleum products.

Both the NFPA 30 and the IFC use capacity to differentiate tanks from other liquid holding containers. NFPA 30 defines a tank generically as a vessel having a liquid capacity exceeding 60 gallons and intended for fixed installation. Both codes define a container as a vessel of 60 gallons or less capacity used in transporting or storing liquids. Both Codes apply much more stringent requirements to tanks than containers.

EPA also makes a distinction between sizes of liquid bearing vessels. The Spill Prevention, Control and Countermeasures Regulation (40 CFR part 112) establishes procedures on the federal level to prevent and address the discharge of oil. The Regulation specifically exempts containers with a capacity of 55 gallons or less from its requirements.

DEQ will use the dividing line between a tank and a container reflected in the NFPA 30 and IFC to define more clearly the universe of aboveground storage tanks eligible for reimbursement from the Fund. Therefore, for purposes of the Petroleum Storage Tank Reimbursement Program, a tank (as the term appears in the definition of aboveground storage tank) is a device, having a liquid capacity of more than 60 gallons, designed to contain an accumulation of oil and constructed of nonearthen materials, such as concrete, steel, or plastic, that provides structural support.